



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 5942-99
21 January 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Marine Corps on 21 August 1981 after ten years of prior active service. Your record reflects that on 30 December 1982 you were convicted by a summary court-martial of an unauthorized absence of two days, absence from appointed place of duty, and willful disobedience of a lawful order.

Subsequently, on 24 January 1984 you were convicted by civil authorities of taking indecent liberties with a child. You were sentenced to confinement for three years. The commanding officer then recommended that you be separated with a general discharge by reason of misconduct due to the civil conviction. When informed of the recommendation, you elected to waive your right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation was approved and you were discharged with a general discharge on 24 May 1984.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your lengthy period of prior honorable service. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given the seriousness of the offense. In this regard, the Board noted that you were fortunate to receive an honorable discharge since most individuals convicted of child abuse are discharged under other than honorable conditions. Therefore, the Board concluded that no change to the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director